

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3422 OF 2015

DATED:28-8-2015

Between:

Verrisetti Adilakshmi  
and another ... Petitioners

And

Chinta Venkata Ratna Vamsi Krishna  
and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. A.V.V.S.N. Murthy

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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The civil revision petition arises out of order dt.14.7.2015 in I.A. No.194 of 2015 in I.P. No.14 of 2013 on the file of the Senior Civil Judge, Mangalagiri, Guntur District.

The petitioners have filed I.P. No.14 of 2013 for declaring them as insolvents and to appoint official receiver to take possession of B.1 to B.5 schedule properties for administration. The said I.P. was dismissed for default on 23.1.2015. The petitioners filed I.A. No.194 of 2015 under Order 9 Rule 9 of the Code of Civil Procedure, 1908 for restoration of the I.P. The said application was dismissed by the lower Court. Feeling aggrieved by the dismissal of the application, the petitioners filed this civil revision petition.

In its order the lower Court has observed that since 3.9.2014 the I.P. was coming up for enquiry, that the petitioners have taken eight adjournments for more than ten months for production of their witnesses, that the petitioners were called absent on 23.1.2015 and that the costs imposed were also not paid besides there being no representation on their behalf.

The only explanation offered by the petitioners for their absence on 23.1.2015 was that their uncle died at Hyderabad on 20.1.2015 and that therefore they went to Hyderabad to attend his funeral ceremony. As rightly observed by the lower Court even assuming that the said plea was correct, nothing prevented the petitioners from returning to Mangalagiri and attending the Court on 23.1.2015. Considering the conduct of the petitioners in not proceeding with the enquiry for more than ten months and in not attending the Court on 23.1.2015, besides not paying costs imposed earlier, the lower Court has come to the conclusion, and in my view rightly, that they have failed to offer a

satisfactory explanation for their absence. Hence, I do not find any reason to interfere with the order of the lower Court.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.4587 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

28-8-2015

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